

- 11. 2006SP-135U-08**  
Clifton Avenue Townhomes SP  
Map 091-12, Parcel 197, 198  
Subarea 8 (2002)  
Council District 21 - Edward Whitmore

A request to change from RS5 to SP zoning property located at 711 and 713 40th Avenue North, at the southwest corner of Clifton Avenue and 40th Avenue North (.54 acres), to permit the development of 2 duplexes (4 units) and 6 detached units, requested by Marcus Buckner, applicant, for Southeast Real Estate Development, owner.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST**

**Preliminary SP** - A request to change from Single-Family Residential (RS5) to Specific Plan (SP) zoning property located at 711 and 713 40th Avenue North, at the southwest corner of Clifton Avenue and 40th Avenue North (.54 acres), to permit the development of 2 duplexes (4 units) and 6 detached units.

This item was re-referred to the Planning Commission from Metro Council for the consideration of a change in the layout of the units. The Commission approved 10 townhouses on August 24, 2006. To meet community desires for a more single family character, the plan has been revised plan to shows 2 duplexes and 6 detached units.

#### **Existing Zoning**

**RS5 district** - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

#### **Proposed Zoning**

**SP district** - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**PLAN DETAILS** - This project is located across the street from M.D.H.A.’s Preston Taylor Homes development. This proposal mimics Preston Taylor’s architectural theme and materials. The main exterior building material will be fiber cement siding (commercially know as Hardi-Plank).

For standards not specifically varied by the associated plan, the requirements of the RM20 zoning district shall apply.

The revised layout provides a “face” on both Clifton Avenue and 40th Avenue North. This revision also addresses the design concerns staff had with the previous submittal.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted Clifton Avenue Townhomes specific plan (2006SP-135U-08), received November 30, 2006. Public Works' comments are as follows:

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Construct Alley to the Department of Public Works standards and specifications.
- Identify plans for recycling collection and solid waste disposal.

**FIRE MARSHALL RECOMMENDATION**

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B
- Fire hydrants should flow a minimum of 1250 GPM's at 40 psi residual flow.
- Metro Water Department records do not show enough water flow and pressure to build this project. A Fire Sprinkler System may be installed in lieu of the low water flow and pressure.

\* A written letter from the project developer/owner will be required stating they are installing a Fire Sprinkler System before approval is granted.

**STORMWATER RECOMMENDATION** - Revised plan received. Preliminary SP approved.

**CONDITIONS**

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
3. Before submission of the final site plan, the applicant must address the requirements of the Stormwater Division listed above. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
4. Fire Marshall comments must be addressed before submittal of the final site plan. In addition, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. This development shall comply with the landscaping requirements of the Metro Zoning Ordinance for the RM20 district. A landscape plan shall be submitted with the final SP plan.
6. A landscape buffer or opaque fence shall be provided along the perimeter of the parking area, unless parcels 199 and 301 are consolidated into this development.

7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district at the effective date of this ordinance, which must be shown on the plan.
11. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Approved with conditions, (9-0) *Consent Agenda*

**Resolution No. RS2006-395**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-135U-08 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

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**The proposed modifications to the SP district for 2 duplexes (4 units) and 6 detached units is consistent with the North Nashville Community Plan's Mixed Use in Neighborhood Center policy, which is intended to contain mixed uses that create a local center."**